

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BACILIO RUIZ and JOSE AMADOR, as
individuals and on behalf of all other
similarly situated persons,

Plaintiffs,

v.

MERCER CANYONS, INC.,

Defendant.

1:14-cv-03032-SAB

**ORDER DENYING
DEFENDANT'S MOTION TO
STAY DISCOVERY AND FOR A
PROTECTIVE ORDER**

Before the Court is Defendant Mercer Canyons, Inc.'s Motion to Stay Discovery and for a Protective Order. ECF No. 84. A telephonic hearing was held on February 3, 2015. Defendant was represented by Frederick B. Rivera. Plaintiffs were represented by Lori Jordan Isley and David Solis. This Order memorializes the Court's oral ruling denying Defendant's motion.

Defendant wishes to prevent Plaintiffs from pursuing discovery on behalf of a purported class prior to class certification. This Court has already delayed class certification at the behest of Defendant and will not delay the case further.

Discovery has not been bifurcated in this matter and any delay in discovery as it relates to a purported class would likely require modification of the Court's Jury Trial Scheduling Order. ECF No. 26. Additionally, the scheduled discovery is

**ORDER DENYING DEFENDANT'S MOTION TO STAY DISCOVERY
AND FOR A PROTECTIVE ORDER ~ 1**

1 potentially relevant to the motion for class certification and the claims of the
2 named plaintiffs even if the motion for class certification is denied. Therefore, the
3 Court denies Defendant's motion as it pertains to staying or limiting Plaintiffs'
4 discovery.

5 Defendant also seeks a protective order prohibiting Plaintiffs' discovery
6 into matters relating to Mercer Canyons' application for and use of the H-2A
7 program claiming that such information is not reasonably calculated to lead to the
8 discovery of admissible evidence under Federal Rule of Civil Procedure 26.
9 Defendant misconstrues both the breadth of Rule 26 and the narrow scope of the
10 Court's earlier statement that there is no separate cause of action emanating
11 directly from H-2A regulations. The Defendant's actions and obligations under the
12 H-2A program, and alleged recruiting trips to Mexico, may be reasonably
13 calculated to lead to the discovery of admissible evidence. Nothing indicates that
14 Plaintiffs are conducting a fishing expedition or otherwise using the discovery
15 process for inappropriate purposes. Accordingly, the Court will not enter a
16 protective order limiting Plaintiffs' discovery.

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

**ORDER DENYING DEFENDANT'S MOTION TO STAY DISCOVERY
AND FOR A PROTECTIVE ORDER ~ 2**

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant Mercer Canyons, Inc.'s Motion to Stay Discovery and for a Protective Order, ECF No. 84, is **DENIED**.
2. The deadlines for both Defendant's response to Plaintiffs' Motion for Class Certification, ECF No. 51, and Plaintiffs' reply shall be **extended** by seven days. Defendant's response shall be due no later than February 20, 2015. Plaintiffs' reply, if any, shall be due twenty-one days after the filing of Defendant's response.

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this Order and provide copies to counsel.

DATED this 4th day of February, 2015.



A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Stanley A. Bastian
United States District Judge